GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department – Prisons - Grant of Special Remission to the life convict prisoner Sri Vutukuru Lakshmaiah S/o Polaiah,C.T.No.5067,Central Prison, Kadapa - Recommendation of the Standing Committee – Approved – Special Remission - Granted - Orders – Issued.

HOME (PAROLES & HRC) DEPARTMENT

G.O.MS.No. 155 Dated: 20-09-2017

Read the following:-

1. G.O.Ms.163, Home (Paroles & HRC) Department,Dt: 15.11.2015
2. G.O.Ms.No.09,Home (Paroles & HRC) Department, Dt: 25.01.2016.
3. From the Assistant Registrar, Hon'ble High Court of Judicature at Hyd., for the State of Telangana and the State of Andhra Pradesh, WPMP No.17311/2016 in Writ petition No.13872/2016.
4. From the Director General of Prisons and Correctional Services, AP,Lr.No.RC-2/26/2016, Dated:15.06.2017.
5. From the Director General of Prisons and Correctional Services, AP,Lr.No.LC-2/06/2016, Dated: 29.06.2017.

ORDER:-

In the reference 1st read above, Government have issued guidelines for grant of Special Remission to certain categories of life convicted prisoners on the occasion of Republic Day i.e 26th January, 2016 and also constituted a Standing Committee under the Chairmanship of the Principal Secretary to Government, Home Department. The Director General of Prisons and Correctional Services, Andhra Pradesh was requested to send the list of prison-wise eligible convicts. Accordingly, a list of (401) life convicted prisoners along with their case particulars were sent to Government for placing the same before the Committee. The Committee which met on 13-01-2016 reviewed all the 401 cases of the life convicted prisoners for their premature release and after detailed examination of each case, has recommended (400) cases of life convicted prisoners for premature release and rejected the case of one convict prisoner No.5067, Vutukuru Lakshmaiah S/o Polaiah of Central Prison, Kadapa vide its Minutes of the Meeting dated 13-01-2016. Accordingly, all the eligible (400) life convicted prisoners were granted special remission and issued orders in the reference 2nd read above and they were released on 26-01-2016.

2. Aggrieved by the above, Sri Vutukuru Lakshmaiah S/o Polaiah, CT No.5067, Central Prison, Kadapa filed a Writ Petition No.13872/2016 in the Hon'ble High Court of Andhra Pradesh challenging the decision taken by the Government.

3. The Hon'ble High Court in its orders dated: 17-04-2017 have opined that the Director General of Prisons and Correctional Services, Andhra Pradesh ought to have sent the name of the petitioner Sri Vutukuru Lakshmaiah S/o Late Polaiah to the said Committee constituted under the Chairmanship of Principal Secretary, Home Department for review and further action. Since, the 3rd respondent (DG, prisons) failed to discharge his public duty even after the petitioner became eligible to be considered in the light of the guidelines issued in the said G.O., the Hon'ble Court has directed the 3rd respondent to place the case of the petitioner Sri Vutukuru Lakshmaiah S/o Late Polaiah before the 2nd respondent (Committee) for taking appropriate action within a period of thirty days.

4. Accordingly, in the reference 4th read above, the Director General of Prisons and Correctional Services, Andhra Pradesh, has furnished the proposal and requested the Government to take necessary action in the matter.

(PTO)

5. In the reference 5th read above, the Director General of Prisons and Correctional Services has stated that as per the Hon'ble High Court directions, the case of Sri Vutukuru Lakshmaiah S/o Polaiah, C.T.No.5067, Central Prison, Kadapa has been reviewed by the Standing Committee in its meeting held on 29.06.2017, under the Chairmanship of the Principal Secretary to Government, Home Department and furnished the minutes of the meeting to Government.

6. The Committe observed that though the transfer is not a Jail punishment, it was necessitated because of the misconduct of the prisoner. However, as the prisoner has spent extra time in Jail vis-a-vis his co-accused and as his conduct has since been good, the Standing Committee recommended for the premature release of Convict Prisoner No.5067, Vutukuru Lakshmaiah S/o Polaiah of Central Prison, Kadapa.

7. Now, therefore, in exercise of powers conferred under Article 161 of the constitution of India, and all other powers hereunto enabling, the Governor of Andhra Pradesh is pleased to remit the unexpired residue of sentence of the life convict prisoner Sri Vutukuru Lakshmaiah S/o Polaiah,C.T.No.5067,Central Prison, Kadapa, subject to the following conditions:-

a) The premature release under this G.O. shall be subject to execution of Personal Bond of Rs. 50,000/- (Rupees Fifty thousand only).
b) The prisoner after release shall appear before the Probation Officer and Police Station concerned once in (3) months till the completion of unexpired portion of sentence.
c) Re-arrest of the released prisoner, on cancellation of the remission granted under this G.O. in case he commits any criminal offence.

8. Further, this order of special remission shall be subject to the final orders that may be passed by Supreme Court of India in W.P (Crl.) No. 48/2014 filed by Union of India Vs V. Sriharan @ Murugan and Others.

9. The Director General of Prisons and Correctional Services, Andhra Pradesh shall take necessary further action for release of the said prisoner, duly obtaining the personal bond as prescribed in Annexure-I appended to this order.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.R. ANURADHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons and Correctional Services,
Gulabithota,Durgapuram, Vijayawada, Andhra Pradesh.
The Director General of Police, Andhra Pradesh
(through Director General of Prisons and Correctional Services)
The Superintendents of Jails, Central Prison, Kadapa.

Copy to :

The P.S to Chief Secretary to Government.
The P.S to Principal Secretary to Government, Home Department.
The P.S. to Dy.CM/M(Home).
The P.S to Special Chief Secretary to Governor.
The Law Department.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER